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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,800	07/09/2003	Akihiro Shin	Q76456	5013
23373 7590 06/29/2007 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037			EXAMINER JACKSON, JENISE E	
			ART UNIT 2131	PAPER NUMBER
			MAIL DATE 06/29/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/614,800	Applicant(s) SHIN, AKIHIRO	
	Examiner Jenise E. Jackson	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/7/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20030709</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 1-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 1-10 are directed to signals that are determined to be authenticated or unauthenticated, which is defined on page 21 of the specification as being signals that transmits information. The Office's current position is that claims involving signals encoded with functional descriptive material do not fall within any of the categories of patentable subject matter set forth in 35 U.S.C. § 101, and such claims are therefore ineligible for patent protection. *See* 1300 OG 142 (November 22, 2005) (in particular, see Annex IV(c)). Claims which recite packet signals, authenticated signals and unauthenticated signals are merely claiming software which is non-statutory subject matter.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Art Unit: 2131

4. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Sawada et al(2002/0016858).

5. As per claims 1, 4, Sawada et al discloses a user authentication system including communication terminal[see fig. 5, sheet 4, #403, 0008]; physical-port changeover means having packet signal input means for inputting a packet signal[0012, 0076], which was dispatched to a predetermined communication network requiring authentication from this communication terminal[0169-0171], on an upstream side thereof, authentication existence determination means for determining whether or not the packet signal, which this packet signal input means input, is a signal that has received the authentication of said predetermined communication network[0171-0172], an unauthenticated-signal port for, at the time that this authentication existence determination means determined that this was a signal that had not received the authentication yet[0087, 0123], outputting this and an authenticated-signal port for, at the time that said authentication existence determination means determined that this was a signal that had already received the authentication[0104, 0250], outputting this; temporary-use address offer means for, at the time that said packet signal was output from the unauthenticated signal port of this physical-port changeover means[0087, 0123, 0145-0150], temporarily giving a temporary-use IP address for login to the communication terminal that dispatched its packet signal[0162]; temporary-use IP address/communication terminal correspondence storage means for storing a correspondence between the temporary-use IP address that this temporary-use address offer means offered[0157, 0162], and the communication terminal; login picture display means for, at the time that the communication terminal, which received an offer of the temporary-use IP address by said temporary-use address offer means[0212], logged in said predetermined

Art Unit: 2131

communication network for receiving the authentication[0129], and its packet signal was output from said unauthenticated-signal port[0087, 0123], inputting this for displaying a login picture[0212]; authentication-propriety determination means for, at the time that the login was made from said communication terminal by using this login picture display means, determining whether or not the authentication is made for this[0212]; and network address bestowal means for, at the time that this authentication-propriety determination means determined to make the authentication, giving to the communication terminal a network address for transferring the signal packet to a desired communication network, which became an object of the authentication, in a manner that it is caused to correspond to the communication terminal stored in said temporary-use IP address/communication terminal correspondence storage means, instead of the temporary-use IP address[0228-0229, 0231-0233].

6. As per claim 2, Sawada et al discloses said user authentication system characterized in including network distribution means for, at the time that said communication terminal, to which the network address was given by said network address bestowal means, dispatched the packet signal, receiving this through said authenticated-signal port to distribute this to the corresponding communication network[0145].

7. As per claims 3, 6, Sawada discloses user authentication system characterized in that said authentication existence determination means includes a user registration section having users, who received the authentication, registered, and determines whether or not the authentication for each user was made, based on whether or not the user was registered in this user registration section[0217, 0254].

8. As per claim 5, Sawada discloses said user authentication system characterized in

Art Unit: 2131

including IP subnet distribution means for, at the time that said communication terminal, to which the IP address was given by said normal IP address bestowal means, dispatched the packet signal, receiving this through said authenticated-signal port to distribute this to the corresponding IP network[0131-0135].

9. As per claim 7, Sawada disclose said user authentication system characterized in that said IP sub-network distribution means employs either the IP address or an MAC address of said communication terminal to make distribution of the packet signal sent from the communication terminal[0219].

10. As per claim 8, Sawada discloses said user authentication system characterized in that said IP subnet distribution means distributes the packet signal to a communication network having a destination with which both of said IP address and an MAC address accorded[0228-0231].

11. As per claim 9, Sawada discloses a user authentication system including a communication terminal; address bestowal means for, at the time that access was made from this communication terminal, giving to this an address that is accessible by an internet; and authentication-time Web access means for[0228-0229, 0231-0233], at the time that said communication terminal made use of the address given by this address bestowal means to request authentication, causing said communication terminal to make an input operation and display for the authentication with a Web display picture, which is displayed at the time of internet access, taken as a picture for the authentication[0212].

12. As per claim 10, Sawada discloses an internet access request step of, in making access to an internet, dispatching a packet signal from a predetermined communication terminal to a

Art Unit: 2131

network service provider connected to a local area network to make a request for access to an internet[0076]; temporary-use IP address return step of, at the time that the request was made for access to the internet in this internet access request step, returning a temporary-use IP address for login to this communication terminal[0157, 0162]; an authentication request step of using the temporary-use IP address returned in this temporary-use IP address return step to dispatch the packet signal of an authentication request for a specific internet service provider from said communication terminal[0087, 0123, 0145-0150]; an authentication-propriety determination step of, based on information described in the packet signal sent in this authentication request step, determining on a network service provider side whether or not authentication of said specific internet service provider is obtained[0104]; a normal-IP-address return step of, at the time that it was determined in this authentication-propriety determination step that the authentication was obtained, returning to its communication terminal the IP address assigned for said specific internet service provider; a packet-signal-for-internet-access dispatch step of using the normal IP address returned in this normal-IP-address return step to dispatch the packet signal for internet access from said communication terminal; and a packet signal distribution step of receiving the packet signal dispatched in this packet-signal-for-internet-access dispatch step to check said normal IP address thereof, and to distribute this to said specific internet service provider[0171-0172].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson, whose telephone number is (571) 272-3791. The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.


Art Unit: 2131

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



June 20, 2007


SYED A. ZIA
PRIMARY EXAMINER